

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1160 of 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 27-01-2006 passed in O.P.No.1317 of 2001 by the M.A.C.T. -cum- III Additional District Judge (FTC), Nizamabad (for short, the Tribunal).

2. Brief facts of the case are that the claimant filed the claim petition against the respondents claiming compensation of Rs.2.00 lakhs for the injuries sustained by him in the accident occurred on 20-06-2001 due to the rash and negligent driving of the driver of the jeep bearing No.AP 25 T 831 and dashed against the tree while he was traveling in the same vehicle from Nizamabad to Bodhan.

3. In the claim petition, the respondents filed their counters denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving on the part of the driver of the crime vehicle and accordingly granted compensation of Rs.20,000/- under various heads, payable by the 1st respondent with interest at 7.5% per annum through out.

5. Dissatisfied with the quantum of compensation, the appellant/claimant filed the present appeal, seeking for enhancement of the compensation.

6. Heard and perused the material available on record.

7. Learned counsel for the appellant-claimant contends that the Tribunal ignored in appreciation of evidence regarding medical bills and the nature of injuries and therefore he prayed for fair compensation.

8. As seen from the order of the Tribunal, the Tribunal has awarded Rs.10,000/- towards fracture of both bones of right leg. In my considered view, since it is grievous non-surgical injury, the said amount is meager and if the same is enhanced to Rs.15,000/-, it is just and proper. Hence, the claimant is entitled to be granted an amount of Rs.15,000/- instead of Rs.10,000/- towards grievous fracture injury sustained by him.

9. Except the above modification, the compensation granted by the Tribunal under other heads shall remain unchanged.

10. In the result, the appeal is allowed in part by enhancing the compensation awarded by the Tribunal from Rs.20,000/- to Rs.25,000/- (Rupees Twenty Five Thousand only). The enhanced amount of compensation shall carry interest at 7.5% per annum. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two months from the date of

receipt of a copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the entire amount. No costs.

11. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 12.11.2019
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